

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CIV S-04-1263 FCD PAN PS

v.

WILLIAM J. BIGGS AND
BETTY BIGGS,

ORDER

Defendants.

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On February 24, 2006, this court ordered defendants William Biggs and Betty Biggs to appear for their respective depositions by plaintiff on March 3, 2006, at 10:00 a.m., at the Office of the U.S. Attorney. Defendants appeared in the afternoon of March 3, 2006 but refused to provide substantive answers to any questions.

On March 8, 2006, plaintiff filed a motion to compel defendants' appearance at their re-noticed depositions and to require defendants substantively to answer plaintiff's questions. The motion came on regularly for hearing on April 13, 2006. John F. Gisla appeared for plaintiff. William Biggs appeared on his own behalf. Upon review of plaintiff's motion and

1 the documents in support and opposition thereof, upon hearing the argument of both parties and
2 good cause appearing therefor, THE COURT GRANTS PLAINTIFF'S MARCH 8, 2006
3 MOTION AND MAKES THE FOLLOWING ORDER:

4 1. Defendants William Biggs and Betty Biggs shall appear for their depositions on
5 Monday, April 24, 2006, at 10:00 a.m., at the Office of the U.S. Attorney, 501 "I" Street, Suite
6 10-100, Sacramento, California 95814.

7 2. Defendants William Biggs and Betty Biggs shall answer each of plaintiff's deposition
8 questions with substantive responses.

9 3. Failure of defendants to appear for their depositions on April 24, 2006, or
10 substantively to answer any of plaintiff's deposition questions, shall result in findings and
11 recommendations that the District Judge strike defendants' answer to plaintiff's complaint and
12 direct the Clerk of Court to enter defendants' default.

13 DATED: April 18, 2006.

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16 UNITED STATES MAGISTRATE JUDGE

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